IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE SIDE

SECOND APPEAL NO. 443 OF 1998
WITH
SECOND APPEAL NO. 445 OF 1998

Office Notes, Office Memoranda of Coram, appearances, Court's orders or directions and Registrar's orders	Court's or Judge's orders

Ms Archana B. Kolagi h/f Tejpal S. Ingale for the appellants.

Mr. G.S. Godbole for the respondent.

CORAM : ANOOP V. MOHTA, J.

DATE : 16.12.2005

. The learned Counsel appearing for the appellants, as per instructions makes a statement, that in view of the fact, that the suit for specific performance of the contract has been granted and decree passed accordingly, the relief of perpetual injunction as claimed in the present matter between the parties does not survive.

2. Once the suit for specific performances based on the agreement, whereby the plaintiffs agreed to be held in possession of the property in question, no further protection is necessary, as granted, in this present proceeding. The learned Counsel appearing for the appellant therefore, rightly submitted that this appeal become infructous.

3. The learned Counsel appearing for the respondents also makes same submission that these appeals become infructous, in view of grant of decree of specific performance of the property, which they are in possession since pending this dispute between the parties.

4. Both the appeals therefore, disposed of as infructous.

(ANOOP V.MOHTA,J.]